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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,689	01/04/2002	Gerd Eisenblatter	87307.00025	7795

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EXAMINER

SHAKERI, HADI

ART UNIT PAPER NUMBER

3723

1.7

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/019,689

Applicant(s)

EISENBLATTER, GERD

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation ", especially a grinding belt or polishing belt, " in line 2, rendering the claim indefinite.

4. Regarding claim 4, "at least one recess or the elongated hole" in line 2, renders the claim indefinite, since the at least one recess lacks sufficient antecedent basis and since the elongated hole is the recess. Applicant may wish to amend by reciting, --a surrounding region of the recess--, or, --a surrounding region of the elongated hole--.

5. Regarding claims 6-8, "at least one recess" in line 2, renders the claims indefinite. Applicant may wish to amend by reciting, --a surrounding region of the recess--.

6. Regarding claims 10-14, "at least one counterpiece" in line 2, renders the claims indefinite. Applicant may wish to amend by reciting, --a surrounding region of the counterpiece--.

### ***Claim Rejections - 35 USC § 103***

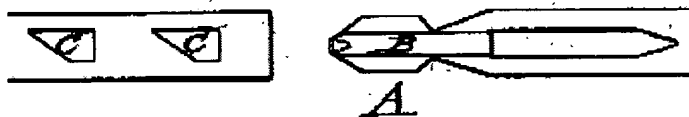
7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1, 2 and 9 are rejected under 35 U.S.C. 103(a) as obvious over Muller in view of Angell.

Muller discloses all the limitations of claim 1, (wherein a length of the hole roughly corresponds to a width of the belt, e.g., section 21), except for disclosing a hole with a wider region on top and a narrow region on the bottom. Angell teaches a fastening means of two ends of a belt in which the hole (c) is configured with a length nearly equal to the width of the head (B). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to reconfigure the hole (18) of Muller to have a length nearly equal to the width of the head as taught by Angell so that the head passes freely through the hole providing an easier and faster connection.

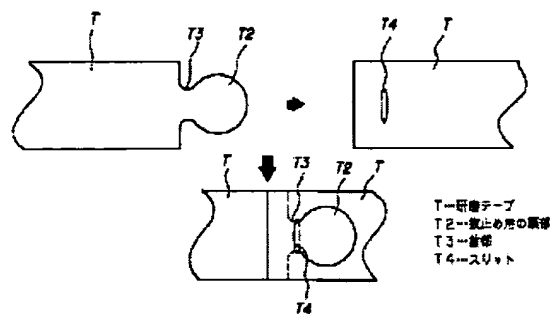


Muller in view of Angell meets the limitations of claim 9, i.e., strap B.

Regarding claim 2, Muller in view of Angell meets all the limitations, except for disclosing a round hole, however, changing shape depending on the workpiece and/or operational parameters, so long as the two regions are provided for making an easy connection would be within the knowledge of one of ordinary skill in the art.

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi in view of either Ashworth or Volz.

Takagi et al. discloses all the limitations of claim 1, i.e., an interlocking abrasive belt having an interlocking device, except for disclosing a hole with two regions with a length equal to a width of the belt.



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Both Ashworth and Volz, teach an interlocking an interlocking device having a hole with two regions (either in the form of a slit (Ashworth) or a wider opening (Volz)) designed to have an opening with a length corresponding to a width of the counterpace for ease of insertion.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to reconfigure the hole (14) of Takagi to have a second region with a length nearly equal to the width of the head as taught by Ashworth or Volz, so that the head passes freely through the hole providing an easier and faster connection.

10. Claims 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Takagi in view of Ashworth or Volz) and/or (Muller in view of Angell) as applied to claims 1 and 2 above, and further in view of Smith.

Prior art as applied to claim 1 above meets all the limitations of the above claims except for disclosing a coated stiffened end region. Smith teaches stiffening the end regions of the interconnecting device, col. 2, lines 30-44. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of the prior art by coating the ends as taught by Smith for stiffening.

### ***Conclusion***

11. This is an RCE of applicant's earlier Application. All claims are drawn to the same invention claimed in the earlier application and have been finally rejected on the grounds and art of record in the previous Office action. Applicant's amendment necessitated the new ground(s) of rejection, i.e., 112 2<sup>nd</sup> paragraph, presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a)(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Response to Arguments***

12. Applicant's arguments filed 01/23/04 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

It is true that the individual references alone do not disclose all the limitations as argued; however, the rejections are based under 35 USC 103 (a) in which the combined references meet all the limitations as recited. Since both Muller and Takagi et al. as base references disclose a grinding belt or a lapping tape, and the argument that the "lapping tape" does not meet the limitation of a grinding belt is not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

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long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all of the teaching references disclose fast and easy means of joining, connection or assembly/disassembly of two ends.

The argument with respect to reasonable expectation for success is not persuasive, since the Applicant again argues that the references fail to teach or suggest a "grinding belt", which is in error as indicated above since both base references meet the limitation.

In response to applicant's argument that the teaching references are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, all the teaching references, Ashworth, Volz, and Angell, are concerned with the particular problem of easy assembly/disassembly of the connecting ends.

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13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM.

Unofficial documents may be faxed to the Examiner at (703) 746-3279.

Official documents should be faxed to (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a stylized flourish at the end.

Hadi Shakeri  
Patent Examiner  
February 19, 2004